

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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In re:

THE D&M CAPITAL GROUP, LLC,

Debtor.

Chapter 11

Case No. 19-11711(SCC)

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THE D&M CAPITAL GROUP, LLC,

Plaintiff,

-against-

ESSEX GLOBAL TRADING, LLC, ALEKS PAUL,
and “JOHN DOES,” said names being fictitious and
unknown,

Defendants,

Adv. Pro. No. 19-01300 (SCC)

-and-

RADWAN DIAMOND & JEWELLERY TRADING,
ULTIMATE DIAMOND CO., S.B. DIAMOND CORP.,
PALAWAN HOLDINGS LIMITED, and
GEMCUT S.A.,

Nominal Defendants.

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ESSEX GLOBAL TRADING, INC.

Third-Party Plaintiff,

-against-

MOTY SPECTOR,

Third-Party Defendant.

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ORDER TO SHOW CAUSE WHY AN ORDER SHOULD NOT BE ENTERED
GRANTING PLAINTIFF'S MOTION FOR CONTEMPT

UPON the *Declaration of Aurora Cassirer Pursuant to Local Rule 9077-1(a)*, dated January 10, 2020, *Plaintiff's Memorandum of Law in Support of Motion for Civil Contempt and Other Relief*, and upon all the pleadings, proceedings, and papers had in this action; it is hereby:

ORDERED that Essex Global Trading, LLC, and Aleks Paul (together, the "Defendants") **SHOW CAUSE** before this Court, at the United States Courthouse located at One Bowling Green, New York, New York, on January ___, 2020 at __:___.m., why an order should not be entered: (i) granting the Plaintiff's motion for civil contempt and other relief; (ii) finding that the Defendants violated the *Amended Order Granting Plaintiff's Application for a Preliminary Injunction* [ECF No. 62] (the "Preliminary Injunction Order"); (iii) awarding civil contempt sanctions against the Defendants, jointly and severally, which shall consist of (a) a monetary fine accruing daily in an amount to be determined by the Court pending full compliance with the Preliminary Injunction Order, (b) the striking of the Defendants' pleadings in this Adversary Proceeding, and (c) the granting of an adverse inference against the Defendants; (iv) directing the Defendants to post a bond or deposit cash in the amount of \$15,100,000.00 in accordance with Rule 9025-1 of the Local Bankruptcy Rules for the U.S. Bankruptcy Court for the Southern District of New York; and (v) granting any such other relief as the Court may deem just and proper; and it is further

ORDERED that the Plaintiff shall serve counsel for all parties with a copy of this Order and the papers upon which it is granted by email and overnight mail on or before January ___, 2020, and such service shall be deemed good and sufficient service notwithstanding Rule 9020 of the Federal Rules of Bankruptcy Procedure; and it is further

ORDERED that the Plaintiff shall file proof of such service on the docket of this action; and it is further

ORDERED that the Defendants shall file and serve all answering papers, if any, on or before January ___, 2020, and the Plaintiff shall electronically file and serve all reply papers, if any, on or before January ___, 2020.

Dated: New York, New York
January ___, 2020

SO ORDERED:

HONORABLE SHELLEY C. CHAPMAN
UNITED STATES BANKRUPTCY JUDGE